UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,382	06/28/2001	T.V.L.N. Sivakumar	NOKI14-00003	5552

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EXAMINER
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ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 6-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 6-7 and 10* is/are rejected.

7)☒ Claim(s) *8 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

1. The applicant's amendment overcomes the primary examiner's objections to the applicant's name, specification format and claim 9 dependency.

2. The primary examiner has changed his rejection, eg. provided new art, and rejects claims 1-3, 6-7 and 10 while objecting to claims 8 and 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. US 6,587,835 and further in view of Maruyama et al. US 5,732,326 and Wynblatt et al US 6,219,696 (hereafter Treyz and Maruyama and Wynblatt).

As per **claim 1**, Treyz teaches a local data provision system (abstract teaches sending "local" shopping mall data to a shopper) comprising:

A plurality of transmitters each located at a respective entity having a limited range of physical utility (figure 13 teaches a merchant's transmitter, #182 that sends data to handheld computing device #12 and is a local signal, C20, L57 to C21, L24, C22, L16-29 and C27, L45-54), and

Each transmitter being arranged repeatedly to transmit wirelessly a signal carrying data indicating the presence of the respective entity over a range substantially coterminous with the range of utility of that entity (Figure 49, #556/#558 discloses

merchant transmits RF in a coverage area that is coterminous with their store, C22,

L16-29 teaches multiple transmitters that are needed to cover different areas while

figures 16 and 17 define coterminous areas based on the footprint of a store and/or a

shopping store aisle); and

A personal information unit comprising a user interface for signaling information

to a user and a receiver arranged to receive the ~~availability~~ entity presence data and to

cause the user interface to signal information to the user in dependence on the received

~~availability~~ entity presence data (abstract teaches a handheld computing device that

receives data wirelessly from the transponders, also see figures 1-2, 12-13, 14, 19-20

and C1, L5-52).

But is silent on "on demand" reception of transmitted data and the signal

carrying data indicating the presence of a respective entity includes data indicating the

type of the entity; and

the personal information unit includes a memory capable of storing a plurality of

entity types and the personal information unit is arranged to cause the user interface to

signal information to the user only if the received entity presence data includes data

indicating one of the stored types.

Maruyama teaches a wireless information guiding system (title, abstract) that

provides a user the ability to control when they receive data (eg. "start/stop" functions

reads on "on demand" -- figure 6 and C10, L4-22) and how much detail they wish to

receive (via Information Depth Key, figure 6). This allows a user to control when and

how fast they receive information about a museum exhibit and how much detail they

wish to know.

Wynblatt teachs a system for providing targeted Internet information to a mobile

(title) whereby URL's are actively broadcasted to mobiles to allow them to receive data

via a short-range transmitter/hotspot (abstract, figures 1-2, C1, L60 to C2, L10 and C3,

L38-49). Wynblatt also teaches a local agent (eg. software) and the ability to customize

what data is received (C6, L8-16) which reads on "personal information unit includes

memory capable of storing a plurality of entity types" and "signal information to the user

only if the entity presence data includes one of the stored types".

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz, such that data is transmitted in an on-demand fashion <u>AND a signal carries data indicating the presence of a respective entity includes data indicating the type of the entity AND the personal information unit includes a memory capable of storing a plurality of entity types AND is arranged to cause the user interface to signal information to the user only if the received entity presence data includes data indicating one of the stored types</u>, to provide means for the user to control the time and rate at which they receive data based on the mobile accepting data from transmitters that it can receive/decipher.

Claim 2 is rejected based on Treyz in view of Maruyama/<u>Wynblatt</u> as stated above in claim 1 and Treyz teaches a radio signal (figure 13 shows wireless RF link #180 between handheld and merchant).

Claim 3 is rejected based on Treyz in view of Maruyama/<u>Wynblatt</u> as stated above in claim 1 and Treyz teaches comprising the respective transmitter transmits wirelessly a signal carrying data indicating the status of the respective entity (figure 1 discloses multiple merchants that use wireless links #56 to communicate with the handheld device and figure 49, #556/558 teaches merchant providing a description/status of themselves to said handheld when proximate/coterminous, also see figure 13 and figure 14, #178 which shows multiple merchants communicating with handheld) **but is silent on** at least one status sensor located at one of the entities and capable of sensing the status of the entity.

While Treyz does not explicitly use the word "status sensor", the examiner notes that Treyz discloses checking the "status" of available specials in the mall and transmitting these specials to the handheld (figure 58, #608/#610). Further to this point, Treyz also teaches informing the user of current specials (figure 46) and that a restaurant table reservation (previously made) is now ready (figure 62) which reads on providing status information to the user. These actions inherently require a "status sensor" function to monitor the status of the entity and provide feedback about said

entity to a user. Lastly, the system is operated on a computer platform (figure 2, #38) which would provide hardware/software for status sensing.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz/Maruyama/Wynblatt, such that a status sensor is located at an entity and capable of sensing status of the entity, to provide messages/feedback to the user as said entity's current status changes in real-time (ie. table is now ready, specials/sales of the day/week/month, etc.).

Claim 6 is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 5 and Treyz teaches wherein the personal information unit includes input means for allowing a user to specifiy the plurality of entity types to be stored (figures 5-6 teaches the handheld device having a user-input interface, see buttons in figure 5 #120 and user interface #134 which would be used to input the plurality of entity types).

Claim 7 is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 1 and Treyz teaches the personal information unit being a cellular phone (C9, L56-63).

Claim 10 is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 1 and Treyz teaches wherein the personal information unit is a portable unit (abstract teaches a "handheld device" and C9, L56-63 teaches the unit can be a cellular phone both of which inherently portable.

Allowable Subject Matter

<u>Claims 8 and 9</u> objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8: The prior art or record does not teach "wherein the personal information unit is capable of non-visually alerting a user in dependence on the received entity presence data.

Claim 9: The prior art of record does not teach "wherein the personal information unit is capable of alerting a user with one of a plurality of alerts in dependence on the type indicated by received entity presence data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
6-22-2005